



Farmland Preservation and Silurian

Bureau of Land and Water Resources

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

5/3/22

CONSERVATION STANDARDS COMPLIANCE

- In accordance with s. 91.80, Wis. Stats. any landowner claiming the farmland preservation tax credit under s. 71.613, Wis. Stats. shall comply with applicable land and water conservation standards promulgated by the Department under ss. 92.05(3)(c) and (k), 92.14(8) and 281.16(3)(b) and (c).
 - Per ATCP 50.16, any landowner claiming the farmland preservation tax credit shall comply with the standards and practices of ATCP 50.04
 - ATCP 50.16 also includes clarifications related to certifications of compliance, monitoring, performance schedules, and notices of non-compliance.



ATCP 50.04

- (1) Non-point source pollution control- A landowner shall implement conservation practices that achieve compliance with DNR performance standards under ss. NR 151.02 to 151.08, in effect on May 1, 2014.
- (2) Soil Erosion Control- Prevent soil loss by ensuring activities on fields do not exceed tolerable soil loss (“T”)
- (3) Nutrient Management Plan
- (4) Tillage Setback



ATCP 50.04- CROPLAND/PASTURE STANDARDS IN SHORT

- Develop and implement a NMP in accordance with the NRCS 590 standard
- Cropped fields and pastures meet “T”
- All croplands and pasture meet the Phosphorus Index (PI) standard
- No tillage within 5 feet of surface waters. Tillage setback may require anywhere between 5 and 20 feet depending on site evaluation.



ATCP 50.04- LIVESTOCK STANDARDS IN SHORT

- No unconfined manure piles in a Water Quality Management Area
- Runoff is diverted away from all feedlots, manure storage areas, and barnyards within WQMAs.
- There is self-sustaining sod or vegetative cover adequate to preserve streambank or lakeshore integrity in areas where livestock have access.
- Manure Storage Facilities have no visible signs of leakage or failure.
- Manure Storage Facilities are maintained to prevent overflow.
- Each storage facility that has not had manure added or removed from the facility for a period of 24 months has either been closed in a manner that will prevent future contamination of ground or surface water or has been approved by DNR for continued use
- Facilities constructed or substantially altered after 2002 meet the NRCS 313 standard
- There are no significant discharges of process wastewater to waters of the state from feed storage or other sources.
- There are no channels or other visible signs of significant discharge from a feedlot or stored manure into waters of the state.



CLARIFYING ATCP 50.16(2)- COMPLIANCE ACROSS THE PROGRAM

Agreements signed
before 2004

Achieve “T”

Implement
Standards
Adopted by
County

Agreements signed
between 2004-2009

Agreements signed or
modified after 2009
but before May 1, 2014

2002 Standards

2012 Standards



QUESTIONS FOR DISCUSSION

- I. Should ATCP 50.04 incorporate the Silurian Bedrock Performance standard as a requirement for landowners claiming the FP Tax Credit?
 - I. See attachment [ATCP50SilurianRestrictionsFPZAEA_20220503](#) for a map of percentage of total land in a certified zoning district or within a designated AEA in Silurian Bedrock Areas with less than 20 feet to consolidated material.



QUESTIONS FOR DISCUSSION

- I. How will counties with FP absorb the workload required to monitor Silurian bedrock performance standards if they are adopted into ATCP 50.04?
 1. See ATCP 50.16(1),(4), (5) & (6)
 2. What additional staffing, temporal, financial, technical resources would be needed by land conservation departments to monitor for compliance within FP areas?
 3. What additional resources would be needed by landowners to maintain or understand compliance within FP areas?



QUESTIONS FOR DISCUSSION

- I. If Silurian bedrock performance standards are adopted into ATCP 50.04, how long should FP Program participants have to meet the new standard or voluntarily withdraw from the program?
 - I. See ATCP 50.16(6)5.



QUESTIONS FOR DISCUSSION

Is it equitable or practical to apply a targeted performance standard to a subset of participants within the FP Program without adjusting the tax credit awarded to participants within the identified area for participation?





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ATCP 50 Rule Revision 2022

[DATCP Home ATCP 50 Rule Changes \(wi.gov\)](https://www.wisconsin.gov/datcp)

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